

ORDINANCE NO. 2007 - 020

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA); ADOPTING SMALL SCALE AMENDMENT **OKEECHOBEE VOLVO (SCA 2007-018)**; MODIFYING PAGE 57 BY CHANGING A 1.08 ACRES PARCEL OF LAND LOCATED ON SOUTHWEST CORNER OF OKEECHOBEE BOULEVARD AND BREEZY LANE, FROM MEDIUM RESIDENTIAL, 5 UNITS PER ACRE (MR-5) AND COMMERCIAL LOW WITH AN UNDERLYING 3 UNITS PER ACRE (CL/3) TO COMMERCIAL HIGH INTENSITY WITH CROSSHATCHING AND AN UNDERLYING 5 UNITS PER ACRE (CHX/5); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, provides comprehensive plan amendments directly related to small scale development activity may be made by local governments without regard to statutory limits regarding the timing and frequency of plan amendments; and

WHEREAS, Section 163.3187(1)(c)4, Florida Statutes, provides that small scale development amendments require only one public hearing before the governing board which shall be an adoption public hearing; and

WHEREAS, a property owner has initiated an amendment to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

WHEREAS, the proposed amendment meets the criteria of a small scale development amendment per Section 163.3187(1)(c), Florida Statutes; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on May 11, 2007, to review the proposed amendment to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendment to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

1 **WHEREAS**, the Palm Beach County Board of County Commissioners, as
2 the governing body of Palm Beach County, conducted a public hearing
3 pursuant to Chapter 163, Part II, Florida Statutes, on October 25,
4 2007, to review the recommendations of the Local Planning Agency and
5 to consider adoption of the amendments; and

6 **WHEREAS**, the Palm Beach County Board of County Commissioners has
7 determined that the amendment complies with all requirements of the
8 Local Government Comprehensive Planning and Land Development
9 Regulation Act.

10 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
11 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

12 **Part I. Amendments to the Future Land Use Atlas of the Land Use**
13 **Element of the 1989 Comprehensive Plan**

14 The following amendment to the Future Land Use Element's Future
15 Land Use Atlas is hereby adopted and is attached to this Ordinance:

16 **A. Future Land Use Atlas page 57** is amended as follows:

17 **Application No.:** OKEECHOBEE VOLVO (SCA 2007-018)

18 **Amendment:** Medium Residential, 5 units per acre (MR-5)
19 and Commercial Low with an underlying 3
20 units per acre (CL/3) to Commercial High
21 Intensity with crosshatching and an
22 underlying 5 units per acre (CHX/5);

23 **General Location:** Southwest corner of Okeechobee Boulevard
24 and Breezy Lane;

25 **Size:** Approximately 1.08 acres;

26 **Condition:** the subject property shall be crosshatched
27 and restricted to landscaping, drainage
28 and/or at-grade employee & inventory
29 parking. There shall be no commercial
30 intensity and/or square footage associated
31 with the crosshatched property.

32 **Part II. Repeal of Laws in Conflict**

33 All local laws and ordinances applying to the unincorporated area
34 of Palm Beach County in conflict with any provision of this ordinance
35 are hereby repealed to the extent of such conflict.

36 **Part III. Severability**

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Part IV. Inclusion in the 1989 Comprehensive Plan

The provisions of this Ordinance shall become and be made a part of the 1989 Palm Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part V. Effective Date

This amendment shall not become effective until 31 days after adoption. If challenged within 30 days after adoption, this amendment shall not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining the amendment is in compliance.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 25th day of October, 2007.

ATTEST:

SHARON R. BOCK, CLERK

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

By:

Judith C. Bock
Deputy Clerk

By:

Addie L. Greene
Addie L. Greene, Chairperson

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

Now Holl
COUNTY ATTORNEY

Filed with the Department of State on the 1st day
of November, 2007.

EXHIBIT 1

Amendment No.: Okeechobee Volvo (SCA 2007-018)

FLUA Page No.: 57

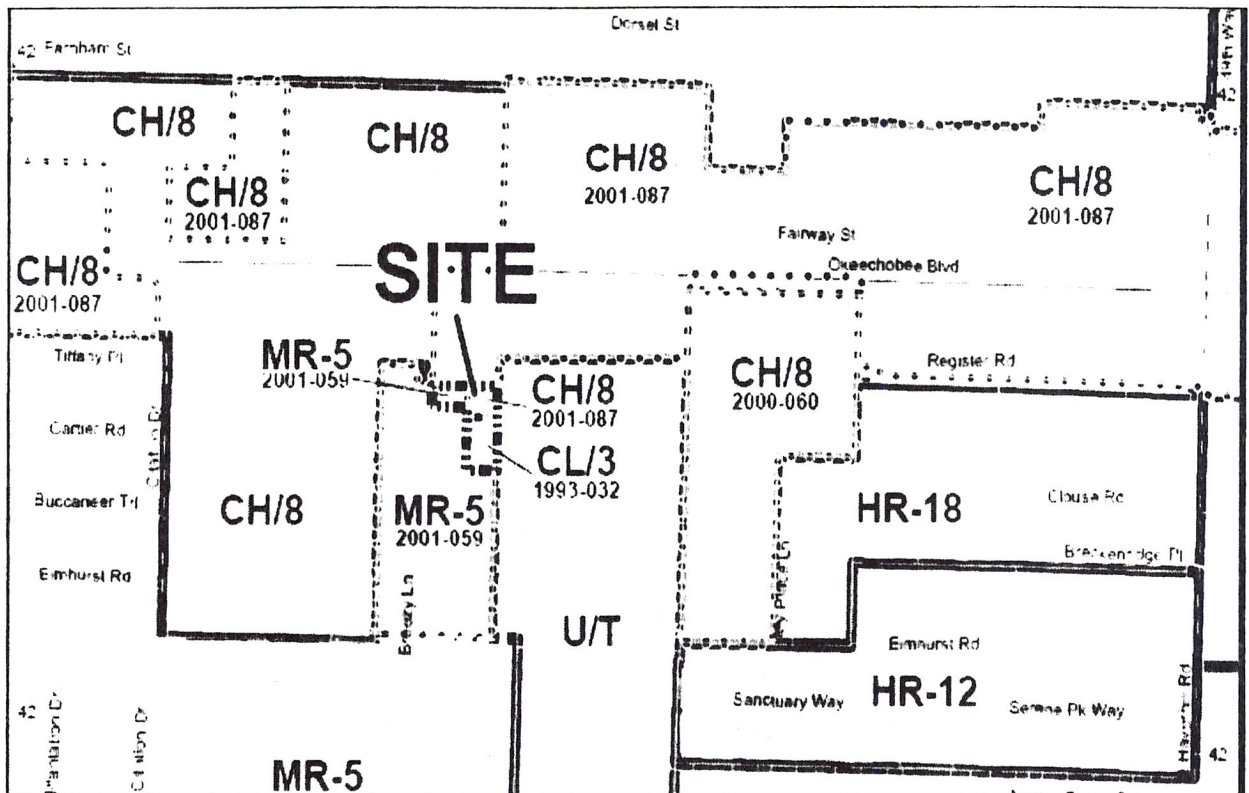
Amendment: Medium Residential, 5 units per acre (MR-5) and Commercial Low with an underlying 3 units per acre (CL/3) to Commercial High Intensity with crosshatching and an underlying 5 units per acre (CHX/5).

Location: Southwest Corner of Okeechobee Boulevard and Breezy Lane

Size: Approximately 1.08 acres

Property No.:
00-42-43-26-01-000-0080
00-42-43-26-01-000-0090
00-42-43-26-01-000-0030

Conditions: The subject property shall be crosshatched and restricted to landscaping, drainage and/or at-grade employee & inventory parking. There shall be no commercial intensity and/or square footage associated with the crosshatched property.



Legal Description

PARCEL "A"

LOT 8, OF BREEZY ACRES, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 24, PAGE 48.

TOGETHER WITH:

LOT 9, OF BREEZY ACRES, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 24, PAGE 48.

CONTAINING 20.616 SQUARE FEET (0.473 ACRES) MORE OF LESS.

PARCEL "B"

TRACT 4:

A PARCEL OF LAND LYING AND BEING IN THE EAST 1/8 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 225 FEET OF THE NORTH 716.32 FEET AS MEASURED ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 26, OF THE EAST 1/8 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION, LESS THE RIGHT-OF-WAY OF LAKE WORTH DRAINAGE DISTRICT E-3 CANAL.

CONTAINING 26,439 SQUARE FEET/0.607 ACRES, MORE OR LESS.

LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOCK, Clerk and Comptroller
certify this to be a true and correct copy of the original
filed in my office on October 25, 2007
dated at West Palm Beach, FL on 11/27/07
By: Diane Brown
Deputy Clerk

